

PATENT
Docket No. 94902-256172
(Former Docket No. LUK1.PAU.01)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
LUKACSKO, Alison
Serial No: 10/826,238
Filed: 16 April 2004
For: COMPOSITIONS AND METHODS
FOR TREATING BODY MALODOR
AND FUNGAL OVERGROWTH IN
MAMMALS

Art Unit: 1614
Examiner: Donna A. JAGOE

ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated 11 January 2008, please consider the following.

The Examiner has required election of one of five inventions. Applicant hereby elects without traverse the invention of Group V—namely claims 45-49 drawn to a method for killing or inhibiting the growth of microorganisms . . comprising administering an effective amount of an anticholinergic quaternary amine compound.

In addition, the Examiner required election of species. Group A contains a number of ACQAs. Applicant hereby elects glycopyrrolate with traverse. Applicant respectfully suggests that the invention is the use of ACQAs in a method to manage microorganisms and fungi. Therefore, the compounds are obvious variants in that they are all anticholinergic quaternary amines.

As for Groups C-D, the currently elected claims do not contain reference to any of the compounds in these groups. If the claims are amended during prosecution to

Amendment to Office Action dated 11 January 2008.

Amendment dated 11-Feb-08

Page 2 of 2

Patent Application
Serial No. 10/826,238

reference any of these compounds, Applicant will make the requested election(s). Until that time Applicant respectfully submits that election from Groups B-D is not required.

If the Examiner still finds the above election incorrect or incomplete, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (310) 229-9928 to discuss the steps necessary for correcting the election.

You are hereby authorized to charge any fees due and refund any surplus fees to our Deposit Account No. 22-0261. Please reference matter number 94902-256172 .

Respectfully submitted,

VENABLE LLP

Date: 11-Feb-08

By: /Stefan J. Kirchanski/
Stefan J. Kirchanski
Registration No. 36,568
Attorney for Applicant(s)

2049 Century Park East., 21st Floor
Los Angeles, CA 90067
Telephone: (310) 229-9900
Facsimile: (310) 229-9901
Email: SJKirchanski@venable.com